UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,067	04/30/2001	Rahul Sharma	SUNMP007	4516

25920	7590	05/02/2005		

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EXAMINER
PHAM, CHRYSTINE

ART UNIT	PAPER NUMBER
2192	

DATE MAILED: 05/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED <u>01 April 2005</u> FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

   a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.

   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

      Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

<u>NOTICE OF APPEAL</u>

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

<u>AMENDMENTS</u>

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will <u>not</u> be entered because

   (a)☐ They raise new issues that would require further consideration and/or search (see NOTE below);

   (b)☐ They raise the issue of new matter (see NOTE below);

   (c)☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or

   (d)☐ They present additional claims without canceling a corresponding number of finally rejected claims.

      NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).

5. ☐ Applicant's reply has overcome the following rejection(s): _____.

6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

7. ☒ For purposes of appeal, ~~the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.~~

   The status of the claim(s) is (or will be) as follows:

   Claim(s) allowed: _____.

   Claim(s) objected to: _____.

   Claim(s) rejected: *1,3,4,6-8 and 10-20*.

   Claim(s) withdrawn from consideration: _____.

<u>AFFIDAVIT OR OTHER EVIDENCE</u>

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will <u>not</u> be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).

9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will <u>not</u> be entered because the affidavit or other evidence failed to overcome <u>all</u> rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).

10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

<u>REQUEST FOR RECONSIDERATION/OTHER</u>

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: <u>See Continuation Sheet.</u>

12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____

13. ☐ Other: _____.

WEI Y. ZHEN
PRIMARY EXAMINER

Continuation of 11. does NOT place the application in condition for allowance because: First, the Applicants contend that Ma (US 5920725)'s meta server 70 is not equivalent to the claimed limitation "middle-tier", which the Applicants had clarified in the Reply as "a layer that is typically located between the server and the client"(page 7, 1st full paragraph) and "a distinct and separate layer in a multi-tiered network that is not in the server-side or client-side of the network architecture" (page 7, last 3 lines). It is noted however, this clarification or rather, the Applicant's latest definition of "middle-tier" are different from that recited in the amended claims 1, 8, and 15, which specifically recite "a middle-tier between a client browser and databases". Furthermore, the Applicants had specifically stated in the Reply that the middle-tier is a "layer" that is located between the server and the client while contending that Ma's meta server 70 which is located in a server machine and thus does not constitute the claimed "middle-tier" which the Applicants had seemed to suggest as something physical (e.g., machine) (page 7). However, the limiting of the "middle-tier" to "a distinct and separate" physical machine has not been established in the amended claims. Thus, Ma's meta server 70 anticipates the claimed "middle-tier" that is between the claimed "client browser" (see client 92 FIG.5) and the claimed "databases" (see mata obj database repository 62, app db 64 FIG.5). Second, the Applicants contend that Ma's workflow rules (81) have nothing to do with storing a state of the server app (86) (see Reply, page 8, 2nd full paragraph). However, Ma clearly teaches workflow rules storing rules (i.e., states) associated with an object (e.g., see server-side application 86, client object, workflow rules 81 col.8:35-57) . And since server app (86) consists of different class objects which have corresponding workflow rules associated with each object (e.g., see server app 86, obj 82, client app 74, obj 72 FIG.5), it is inherent that the workflow rules (81) (i.e., original state object) is in communication with the server app (86) (i.e., original entity bean) and stores the state of the original entity bean.

Third, the Applicants contend that Ma does not teach transferring the state stored in the original state object to the updated state object. However, Ma clearly teaches storing original states (i.e., rules) in original state objects (i.e., workflow rules 81) as discussed above and transferring state of old object to new object (see col.11:35-38). Ma further teaches updating the state objects (see workflow rules, objects, states col.8:55-58). It is clear that Ma anticipates the transferring of the state stored in the original state object to the updated state object. Contrary to Applicants assertion that the original state object is not communciation with the original entity bean, Ma clearly teaches the original state object in communication with the original entity bean (see meta server 70, object descriptors, class definitions, clients, servers, old object-class definition col.8:1-10; new client object 146, old client object 144 col.11:40-48). The Applicants further stated that "the Examiner asserts that rules (81) is equivalent to the original entity bean" (see Reply, page 9 lines 4-5). This statement is simply incorrect since the Examiner had established in the rejection of claims 1, 8, 15, that rules (81) is equivalent to the original state object, and NOT the original entity bean as alleged by the Applicants.

Fourth, the Applicants contend that Ma does not teach the upgraded state object providing state management for the original entity bean. However, Ma teaches invalidating (i.e., managing) an old object (i.e., original entity bean) based on updated object class definition and temporarily preserving the state of the old object (see object re-loading col.7:19-45; col.9:20-27). Thus, Ma clearly teaches the upgraded state object providing state management for the original entity bean.

In view of the foregoing discussion, the examiner considers the rejection of claims under 35 USC 102(b) and 103(a) as established in previous office action to be proper and maintained..